

SECOND REGULAR SESSION

# HOUSE BILL NO. 1798

## 93RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES SCHAD (Sponsor), PARSON, JONES, WILSON (130), BRINGER, DETHROW, ROORDA, TILLEY, QUINN, HARRIS (110), SMITH (150), DEEKEN, FISHER, MUNZLINGER, BLACK, PHILLIPS, WILSON (119), DEMPSEY, WOOD, DAY, NOLTE, WELLS, FRANZ, SCHNEIDER, WETER, RICHARD, WASSON, THRELKELD, FLOOK, SMITH (14), NANCE, PORTWOOD, CHAPPELLE NADAL, RUCKER, BROWN (50), DAUS, SELF, SWINGER, SATER, CHINN, LAMPE, LOEHNER, ROBB, CUNNINGHAM (145), BEHNEN, NIEVES, MCGHEE, KELLY, KRATKY, GUEST, STORCH, LOW (39), SMITH (118), VIEBROCK, WRIGHT (159), POLLOCK AND LIPKE (Co-sponsors).

Read 1st time February 16, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5027L.01I

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### AN ACT

To repeal section 57.280, RSMo, and to enact in lieu thereof two new sections relating to compensation for sheriffs and deputy sheriffs.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 57.280, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 57.229, and 57.280, to read as follows:

**57.229. Notwithstanding any provision of law to the contrary, each deputy sheriff of any county shall receive annual compensation of not less than twenty-six thousand dollars. Any amount of compensation received above twenty-six thousand dollars shall be determined by the sheriff.**

57.280. 1. Sheriffs shall receive a charge for service of any summons, writ or other order of court, in connection with any civil case, and making on the same either a return indicating service, a non est return or a nulla bona return, the sum of twenty dollars for each item to be served, except that a sheriff shall receive a charge for service of any subpoena, and making a return on the same, the sum of ten dollars; however, no such charge shall be collected in any proceeding when court costs are to be paid by the state, county or municipality. In addition to

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

7 such charge, the sheriff shall be entitled to receive for each mile actually traveled in serving any  
8 summons, writ, subpoena or other order of court, the rate prescribed by the Internal Revenue  
9 Service for all allowable expenses for motor vehicle use expressed as an amount per mile,  
10 provided that such mileage shall not be charged for more than one subpoena or summons or  
11 other writ served in the same cause on the same trip. All of such charges shall be received by  
12 the sheriff who is requested to perform the service. Except as otherwise provided by law, all  
13 charges made pursuant to this section shall be collected by the court clerk as court costs and are  
14 payable prior to the time the service is rendered; provided that if the amount of such charge  
15 cannot be readily determined, then the sheriff shall receive a deposit based upon the likely  
16 amount of such charge, and the balance of such charge shall be payable immediately upon  
17 ascertainment of the proper amount of said charge. A sheriff may refuse to perform any service  
18 in any action or proceeding, other than when court costs are waived as provided by law, until the  
19 charge provided by this section is paid. Failure to receive the charge shall not affect the validity  
20 of the service.

21 2. The sheriff shall receive for receiving and paying moneys on execution or other  
22 process, where lands or goods have been levied and advertised and sold, five percent on five  
23 hundred dollars and four percent on all sums above five hundred dollars, and half of these sums,  
24 when the money is paid to the sheriff without a levy, or where the lands or goods levied on shall  
25 not be sold and the money is paid to the sheriff or person entitled thereto, his agent or attorney.  
26 The party at whose application any writ, execution, subpoena or other process has issued from  
27 the court shall pay the sheriff's costs for the removal, transportation, storage, safekeeping and  
28 support of any property to be seized pursuant to legal process before such seizure. The sheriff  
29 shall be allowed for each mile, going and returning from the courthouse of the county in which  
30 he resides to the place where the court is held, the rate prescribed by the Internal Revenue  
31 Service for all allowable expenses for motor vehicle use expressed as an amount per mile. The  
32 provisions of this subsection shall not apply to garnishment proceeds.

33 3. **Notwithstanding the provisions of subsection 4 of this section,** the sheriff upon the  
34 receipt of the charge herein provided for shall pay into the treasury of the county any and all  
35 charges received pursuant to the provisions of this section; however, in any county, any funds,  
36 not to exceed fifty thousand dollars in any calendar year, other than as a result of regular budget  
37 allocations or land sale proceeds, coming into the possession of the sheriff's office, such as from  
38 the sale of recovered evidence, shall be held in a fund established by the county treasurer, which  
39 may be expended at the discretion of the sheriff for the furtherance of the sheriff's set duties.  
40 Any such funds in excess of fifty thousand dollars, other than regular budget allocations or land  
41 sale proceeds, shall be placed to the credit of the general revenue fund of the county. Moneys  
42 in the fund shall be used only for the procurement of services and equipment to support the

43 operation of the sheriff's office. Moneys in the fund established pursuant to this subsection shall  
44 not lapse to the county general revenue fund at the end of any county budget or fiscal year.

45 **4. The sheriff shall receive twenty dollars for service of any summons, writ, or other**  
46 **order for the court under subsection 1 of this section, in addition to the twenty-dollar**  
47 **charge for service that each sheriff receives under subsection 1 of this section. The sheriff**  
48 **shall receive the additional twenty dollars under this subsection regardless of whether a**  
49 **private entity performs the service on behalf of the sheriff. The moneys shall be collected**  
50 **by the county treasurer and made payable to the state treasurer. The state treasurer shall**  
51 **deposit such moneys into the "Public Safety Enhancement Fund", which is hereby created**  
52 **in the state treasury. The fund shall be administered by the department of public safety.**  
53 **Ten percent of the moneys in the fund shall be deposited and credited annually to the**  
54 **sheriff's retirement fund, as created by section 57.952. The department shall appropriate**  
55 **annually to the counties on a per capita basis a sufficient amount of the moneys in the fund**  
56 **to compensate duly commissioned deputy sheriffs and pay related costs resulting from the**  
57 **minimum compensation required under section 57.229. Such moneys shall be used only**  
58 **to supplement the current amount of funding that the county provides, as of August 28,**  
59 **2006, as is received for each current deputy sheriff. If such funding is not provided by the**  
60 **county commission from the county general revenue fund, the sheriff shall not be**  
61 **permitted to hire or use moneys from the fund to compensate any additional deputy sheriff.**  
62 **If any moneys remain in the fund after paying compensation and costs, the department**  
63 **shall deposit and credit annually the remaining balance of the fund to the MoSMART**  
64 **fund, as created by section 650.350, RSMo. Less any administrative costs, the moneys**  
65 **deposited into the public safety enhancement fund shall be used only to fulfill the purposes**  
66 **of this subsection. Any moneys remaining in the fund at the end of the year shall not revert**  
67 **to the credit of the state general revenue fund.**

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